

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (JP 2000/211655 A) in view of Yoshioka (JP 11301696 A). Yamamoto discloses a self standing bag (1) with a spout (Fig 2, 30) at the upper portion of the bag and welded edges (2a). Yamamoto does not disclose the edges having a sealer made of thermoplastic resin and integrally molded with the spout. Yoshioka discloses a bag (Fig 1, 11) having a spout (13) and an edge sealer (14) integrally injection molded ([0020]) in order to improve the sealing properties of the bag seam ([0019]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the self-standing bag of Yamamoto with edge sealers integrally molded to the spout as taught by Yoshioka in order to improve the sealing properties of the bag seams.

In regards to claims 4 and 8, Yoshioka discloses an alternative design (Fig 3) where the edge sealer (22, 24, 25) is integrally molded with the spout (23) (See top section) but molded in two steps, one half at a time, the two parts together forming the edge sealer.

Response to Arguments

2. Applicant's arguments filed December 12, 2007 have been fully considered but they are not persuasive. Applicant argues that Yoshioka is not a self-standing bag (response, page 5). Examiner notes that as Yoshioka has a rigid structure (the edge sealing and molded spout) it is to some degree self standing, even when on its side, as it does not collapse under its own weight. Applicant further argues that Yoshioka does not disclose the edge sealer (14) at the edge of the bag. Examiner notes that the edge of the bag is generally understood to be an outer portion of the bag, and that the edge sealer (14) of Yoshioka is at the outer portion of the bag. Finally, applicant argues that there is not a suggestion of molds with cavities. Examiner notes that injection molding inherently requires molds with cavities. As the shoulder and neck of Yoshioka are injection molded, and in two parts (See Fig 3), they are molded in successive steps. As such, applicants arguments are not persuasive.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack H. Morgan whose telephone number is 571-272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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